

CENTRAL FAX CENTER

JAN 20 2005

Serial No.: 09/933,881

REMARKS

Claims 1-10 remain pending in the application. Favorable reconsideration of the application is respectfully requested.

Applicants acknowledge with appreciation the Examiner's continued careful examination of the application.

I. REJECTION OF CLAIMS 1-10 UNDER 35 USC §103(a)

Claims 1-10 remain rejected under 35 USC §103(a) based on Applicants' Admitted Prior Art (AAPA) (Figs. 7 and 8) in view of *Nishiwaki et al.* Applicants respectfully traverse the rejection for at least the following reasons.

In the paragraph bridging pages 2-3 of the Office Action, the Examiner rejects applicants' previous arguments that *Nishiwaki et al.* simply shows typical padding as is discussed with regard to the prior art at Page 6, lines 15-16 of the present application. More specifically, the Examiner rejects applicants' argument that *Nishiwaki et al.* does not teach or suggest generating one block in the case of a sampling frequency of F , and generating N number of blocks of the same size, one of which contains the encoded audio data and the others which contain invalid data in the case of a sampling frequency of $1/N \times F$ as recited in Claims 1, 5, 6 and 10.

Rather, the Examiner states that *Nishiwaki et al.* shows padding packets (e.g., Fig. 3), and further teaches that the packet size is determined by an integer number of samples. The Examiner thus concludes that based on an integer number of samples in an audio packet, which is directly related to the sampling rate, an appropriate amount of stuffing data would be created in order to maintain a fixed pack length. The Examiner argues that the padding stuffing data would be placed into padding packets of a size equivalent to an audio packet, and therefore the rejection of claims 1, 5, 6 and 10 is maintained.

It is important to note that applicants generally agree with the Examiner's description of the teachings of *Nishiwaki et al.* However, this is not what applicants are claiming in claims 1, 5, 6 and 10.

Serial No.: 09/933,881

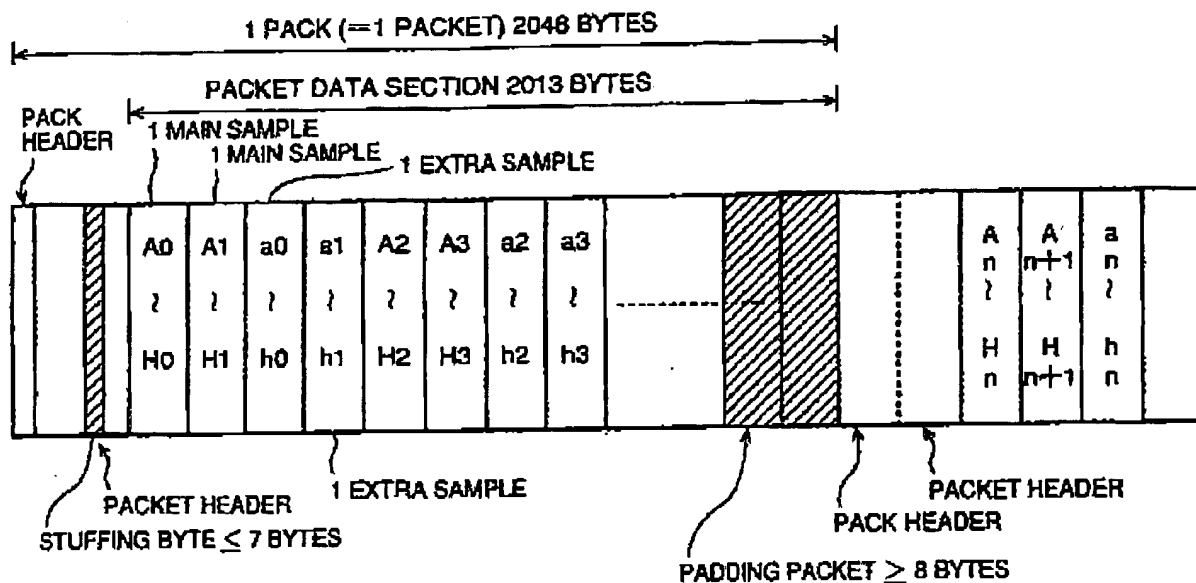


Fig. 3 of Nishiwaki et al.

More specifically, *Nishiwaki et al.* in Fig. 3 (reproduced above) does teach providing padding packets as pointed out by the Examiner. Moreover, *Nishiwaki et al.* teaches providing stuffing bytes. "Padding packets" are defined as having eight (8) or more bytes. "Stuffing bytes" are defined as having seven (7) or less bytes.

Also correctly pointed out by the Examiner, *Nishiwaki et al.* teaches that the packet size is determined by an integer number of samples. As is shown in Fig. 3, a data pack or packet contains 2048 bytes. Further, the Examiner correctly points out that an appropriate amount of stuffing data would be created in *Nishiwaki et al.* in order to maintain a fixed pack or packet length (e.g., 2048 bytes).

Thus, Fig. 3 of *Nishiwaki et al.* illustrates an example where a data pack or packet (which is to have 2048 bytes) is short. Therefore, Fig. 3 of *Nishiwaki et al.* illustrates providing a stuffing byte (7 or less bytes) in the packet header and two

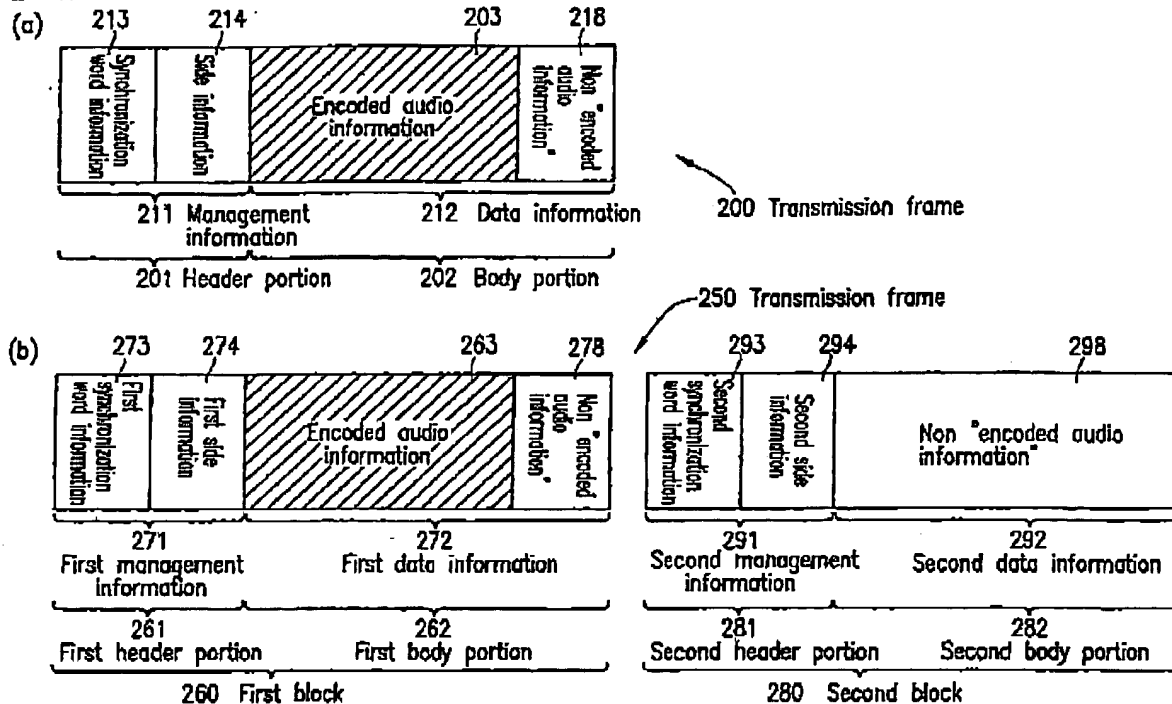
Serial No.: 09/933,881

padding packets (8 or more bytes) in the data section. As a result, the data pack or packet includes an integer number of samples and maintains a fixed pack length (e.g., 2048 bytes). *Nishiwaki et al.* does this for each data pack or packet so that each data pack or packet maintains a fixed pack length (e.g., 2048 bytes).

It is noted, however, that *Nishiwaki et al.* does not teach or suggest the creation of additional data packs or packets with management information within the header indicating that the data is invalid as recited in claims 1, 5, 6 and 10. Specifically, nowhere does *Nishiwaki et al.* teach or suggest the generation of an integer number of additional blocks (packs/packets) *which each include their own header portion and body portion*, with the header portion of the previous block indicating that the data stored in the generated block is valid, and information indicating that data stored in the body portion of the subsequent blocks is *invalid* as recited in the claims.

Only the packs or packets (each equal to 2048 bytes) in *Nishiwaki et al.* each include a header. Therefore, for purposes of comparing *Nishiwaki et al.* to the claimed invention, each pack or packet (equal to 2048 bytes in Fig. 3) must correspond to a block as recited in claims 1, 5, 6 and 10. Nowhere does *Nishiwaki et al.* teach or suggest in the case where the encoded audio has a sampling frequency of $1/N \times F$, generating a set of N blocks (which would each include 2048 bytes by definition) for one-frame data (2048 bytes). Nor does *Nishiwaki et al.* teach or suggest the first block including the one-frame data (2048 bytes) and information in the header that the data is valid, and the additional N-1 blocks (each 2048 bytes) including invalid data and including in their respective headers information indicating that the data stored in the body is invalid.

Serial No.: 09/933,881

FIG. 2

Figs. 2(a) and 2(b) (Present Invention)

Figs. 2(a) and 2(b) of the present application (reproduced above) exemplify the invention as recited in claims 1, 5, 6 and 10. In the case where the encoded audio information has a sampling frequency of F , the data generating section generates the one block for one-frame data as illustrated in Fig. 2(a). In the case where the encoded audio has a sampling frequency of $1/N \times F$, the data generating section generates a set of N blocks for one-frame data as illustrated in Fig. 2(b) (where $N=2$). Each of the N blocks is equal in size to the one block generated when the sampling frequency was F . The first block 260 includes the one-frame data and information in the header 271 that the data is valid. The second block 280 includes invalid data and includes in the

Serial No.: 09/933,881

header 291 of each of the remaining of the N blocks information indicating that the data stored in the body is invalid.

In view of the above, applicants believe the Examiner will now appreciate that *Nishiwaki et al.* does not teach or suggest anything beyond typical padding. Specifically, *Nishiwaki et al.* does not teach or suggest generating one block in the case of a sampling frequency of F, and generating *N number of blocks of the same size*, one of which contains the encoded audio data and *the others which contain invalid data* in the case of a sampling frequency of $1/N \times F$ as recited in Claims 1, 5, 6 and 10.

Nishiwaki et al. simply teaches that if the total byte length of the sample data is less than a maximum packet byte length, stuffing byte data or padding byte data is inserted to fill in a remaining portion. (See Abstract; and Fig. 5, Steps S16, S17 and S18). In other words, neither *AAPA* nor *Nishiwaki et al.* teach or suggest generating either one block or N blocks depending on whether the sampling frequency is F or $1/N \times F$.

For at least the above reasons, the rejection of claims 1, 5, 6 and 10 should be withdrawn. Furthermore, remaining claims 2-4 and 7-9 can be distinguished over the references for at least the same reasons as the claim from which they depend. Withdrawal of the rejection of claims 1-10 is respectfully requested.

II. CONCLUSION

Accordingly, all claims 1-10 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

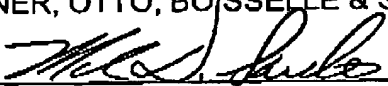
Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Serial No.: 09/933,881

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOJSSELLE & SKLAR, LLP


Mark D. Saralino
Reg. No. 34,243

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The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113
B:\GEN\YAMA\Yamap774\yamap774.aaf.wpd